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c 384 Teachers' Superannuation Act

Ontario

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CHAPTER 384

The Teachers' Superannuation Act**1. In this Act,**Interpreta-
tion.

- (a) "board" means board of public school trustees, board of separate school trustees, board of trustees of a continuation school, high school board, collegiate institute board or board of education;
- (b) "Commission" means Teachers' Superannuation Commission;
- (c) "Department" means Department of Education;
- (d) "employed" means engaged under contract for any period,
 - (i) as a teacher in a public school, separate school, continuation school, high school, collegiate institute, provincial normal school or a school to which *The Vocational Education Act* applies, Rev. Stat., c. 413.
 - (ii) as a teacher in a school or class supported in whole or in part by contributions from the Province or from a municipal corporation, and designated by the regulations,
 - (iii) as a teacher in a school outside of Ontario under a teachers' exchange system authorized by the Minister,
 - (iv) as a teacher in a school or class maintained for the instruction of discharged members of His Majesty's forces by the Government of Canada or Ontario, or both, and designated by the regulations, where the teacher has at his own option elected to come within this Act,
 - (v) as a teacher on the instructional staff of any normal school in Ontario, the Ontario College of Education, the University of Toronto Schools, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses, the Royal Ontario Museum, or any railway-car school where the teacher has contributed to the fund for a period of at least one year.

- (vi) as an inspector or in any supervisory capacity by a board,
- (vii) as an officer of an association or body of teachers engaged in advancing the interests of education and designated by the regulations, or
- (viii) by the Minister or a board in any capacity designated by the regulations,

but no person shall be deemed to be employed who,

- (ix) is not qualified as a teacher under the Acts and regulations administered by the Department,
 - (x) is engaged for less than 20 hours per week to teach music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject,
 - (xi) is regularly engaged outside Ontario and who is performing services in Ontario under a teachers' exchange system approved by the Minister, or
 - (xii) is a contributor to any fund to which the Crown contributes except the fund under this Act;
- (e) "fund" means Teachers' Superannuation Fund;
 - (f) "Minister" means Minister of Education;
 - (g) "regulations" means regulations made under this Act;
 - (h) "Treasurer" means Treasurer of Ontario. 1949, c. 102, s. 1; 1950, c. 84, s. 1, *amended*.

Commission
continued;

2.—(1) The Teachers' and Inspectors' Superannuation Commission is continued under the name "Teachers' Superannuation Commission".

composition;

(2) The Commission shall be composed of,

- (a) five persons each of whom shall hold office for a period of three years and shall be appointed by the Minister; and
- (b) four persons who are contributors to the fund, each of whom shall hold office for a period of three years and shall be elected by ballot by the contributors to the fund,
 - (i) one of whom shall be elected from and by the members of The Federation of Women Teachers' Associations of Ontario,

- (ii) one of whom shall be elected from and by the members of The Ontario Secondary School Teachers' Federation,
- (iii) one of whom shall be elected from and by the members of The Ontario English Catholic Teachers' Association and L'Association de l'Enseignement Francais de l'Ontario, and
- (iv) one of whom shall be elected from and by the members of The Ontario Public School Men Teachers' Federation and the male public school inspectors.

(3) The Minister shall designate triennially one of the ^{chairman;} members as chairman.

(4) When a vacancy occurs among the members, another ^{vacancies;} member shall be appointed or elected, as the case may be, so soon as may be practicable after the vacancy occurs, and the person so appointed or elected shall hold office for the unexpired portion of the term of the member he replaces.

(5) Each member shall be eligible for re-appointment or ^{re-election,} re-election, as the case may be. ^{etc.;}

(6) Each member shall hold office until his successor is ^{term of} appointed or elected, as the case may be. ^{office;}

(7) The Commission shall meet in the offices of the Department of Education in Toronto on the third Friday in September, November and January, the Thursday following Easter, the third Saturday in June and at such other times as the chairman may determine. ^{meetings;}

(8) Six members shall constitute a quorum. 1949, c. 102, ^{quorum.} s. 2.

3. It shall be the duty of the Commission to administer ^{Duties} this Act and in so doing it shall determine the right of every ^{and powers.} applicant to receive an allowance or a refund and the amount thereof. 1949, c. 102, s. 3.

4. The Lieutenant-Governor in Council may appoint a ^{Officers,} secretary, an actuary, a solicitor, a medical referee and such ^{clerks, etc.} other officers and staff of the Commission as he may deem proper, all of whom shall be paid out of the fund. 1949, c. 102, s. 4.

5.—(1) The Teachers' and Inspectors' Superannuation Fund. Fund is continued under the name "Teachers' Superannuation Fund".

Custodian
of fund.

(2) The Treasurer shall be the custodian of the fund.

Actuarial
valuation.

(3) There shall be a triennial actuarial valuation of the fund, the next such valuation to be as of the 1st day of July, 1951, but the Minister may direct an additional valuation to be made at any time. 1949, c. 102, s. 5.

Receiving
gifts, etc.
for fund.

6. The Commission may receive any gift, devise or bequest made to, or for the purposes of the fund, and shall pay it or the proceeds thereof into the fund to be applied as directed by the donor, and if so directed, in additional benefits to those provided by this Act, or in the absence of any such direction, to the general purposes of the fund. 1949, c. 102, s. 6.

Issue of
Ontario
Government
stock
confirmed.

7.—(1) The issue by the Treasurer of Ontario Government stock in the sum of \$31,200,000 dated the 1st day of November, 1942, and bearing interest at the rate of four and three-quarters per cent per annum payable half-yearly and maturing on the 1st day of November, 1982, and being a charge upon the Consolidated Revenue Fund, is confirmed.

Debentures
authorized
annually,
1942-1952.

(2) In each year during the period commencing the 1st day of November, 1942, and ending on the 31st day of October, 1952, the Treasurer shall issue Ontario Government debentures or stock for the amount of the surplus funds in the fund accumulated and not required for current expenditures; such debentures or stock to become due and payable on the 31st day of October, 1952, and to bear interest at the rate of four and one-half per cent per annum payable half-yearly.

Forty-year
debentures
authorized,
1952.

(3) On the 1st day of November, 1952, the Treasurer shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund and not required for current expenditures and for the amount of the debentures or stock issued during the preceding ten-year period under subsection 2, such debentures or stock to become due and payable on the 31st day of October, 1992, and to bear interest at the rate of four and one-half per cent per annum payable half-yearly.

Debentures
authorized
annually,
1952-1962.

(4) In each year during the period commencing the 1st day of November, 1952, and ending on the 31st day of October, 1962, the Treasurer shall issue Ontario Government debentures or stock for the amount of the surplus funds in the fund accumulated and not required for current expenditures, such debentures or stock to become due and payable on the 31st day of October, 1962, and to bear interest at the rate of four and one-half per cent per annum payable half-yearly.

Forty-year
debentures
authorized,
1962.

(5) On the 1st day of November, 1962, the Treasurer shall issue Ontario Government debentures or stock for the amount

of the surplus funds accumulated and not required for current expenditure, such debentures or stock to become due and payable on the 31st day of October, 2002, and to bear interest at the rate of four and one-half per cent per annum payable half-yearly.

(6) In each year during each succeeding ten-year period the Treasurer shall issue Ontario Government debentures or stock for the amount of surplus funds in the fund accumulated from time to time and not required for current expenditures, such debentures or stock to become due and payable on the last day of such ten-year period and to bear interest, payable half-yearly, at a rate agreed upon at the beginning of such period between the Treasurer and the Commission and approved by the Lieutenant-Governor in Council as being applicable for that period.

Debentures
authorized,
ten-year
periods.

(7) On the 1st day of November, 1972, and on the 1st day of November of each succeeding ten-year period, the Treasurer shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund and not required for current expenditures and for the amount of the debentures or stock issued during the next preceding ten-year period under subsection 6, such debentures or stock to become due and payable at the end of a period of 40 years from the date of issue and to bear interest at the same rate as the debentures or stock issued under subsection 6 during the ten-year period next preceding the date of the issue of such forty-year debentures or stock.

Forty-year
debentures.

(8) The Ontario Government debentures and stock issued under this section shall be a charge upon the Consolidated Revenue Fund.

Charge on
Consolidated
Revenue
Fund.

(9) All securities belonging to the fund shall be deposited with the Treasurer who shall be responsible for their safe-keeping. 1949, c. 102, s. 7.

Securities to
be deposited.

8. When the payments into the fund in any year are insufficient to make the required payments out of the fund, the deficiency shall be made up out of the Consolidated Revenue Fund. 1949, c. 102, s. 8.

Deficiency.

9. Accounts shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out of the fund. 1949, c. 102, s. 9.

Accounts.

10. The period from the 1st day of November to the 31st day of October of the year next following shall constitute the fiscal year of the Commission. 1949, c. 102, s. 10.

Fiscal year.

Interest.

11. Except where otherwise specifically provided by this Act,

- (a) interest payable under this Act or the regulations shall be at the rate of four and three-quarters per cent per annum, compounded half-yearly; and
- (b) interest shall be payable on any payment into or out of the fund, other than an allowance, which is six months or more in arrear. 1949, c. 102, s. 11.

Audit.

12.—(1) The accounts of the fund shall be audited and the securities in which the moneys of the fund may be invested shall be examined and checked in each year by the provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the auditor shall make an annual report, and prepare and furnish such other statements to the Treasurer as he may require.

Costs and expenses of audit.

(2) The cost of such audits and reports shall be paid by the Commission out of the fund. 1949, c. 102, s. 12.

Annual report.

13.—(1) The Commission shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Commission.

Tabling report.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall lay the report before the Assembly, if it is then in session, or if not, at the next ensuing session. 1949, c. 102, s. 13.

Payments into fund.

14. An account shall be kept in a chartered bank of Canada in the name of the Treasurer as custodian of the fund, and every amount received as a payment into the fund shall be deposited to the credit of such account. 1949, c. 102, s. 14.

Payments out of fund.

15.—(1) Every allowance, every refund, and the expenses of the administration of this Act shall be payable out of the fund and every such payment shall be made by the cheque of the Treasurer signed by him or by the Deputy Treasurer or by such other person as may be appointed by the Treasurer for that purpose, and countersigned by the chairman of the Commission or by any other member of the Commission designated by the Commission.

Days of employment to be indicated.

(2) The payee of a cheque for any allowance shall indicate on the back thereof the number of days, if any, he was employed during the month for which the cheque was issued, and if he fails to do so, the Commission may direct that no further allowance be paid him until he complies with this subsection. 1949, c. 102, s. 15.

16. The Treasurer, as custodian of the fund, may, at the request of the Minister, arrange for a chartered bank of Canada to advance to the fund, by way of overdraft or otherwise, any amount required temporarily to provide for payments out of the fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the fund, or both. 1949, c. 102, s. 16. Bank loans.

17.—(1) Every person who is employed shall contribute to the fund six per cent of his salary. Contributions.

(2) Where the annual rate of salary is less than \$1,000 it shall, for the purposes of this section, be deemed to be at the annual rate of \$1,000. Salaries under \$1,000.

(3) In this section, "salary" includes cost of living or other bonus but does not include any additional remuneration for special services performed at evening classes. Interpretation.

(4) Where a person receives part of his salary in respect of employment of a type prescribed in subclauses i to viii of clause d of section 1 and part of his salary in respect of other employment, for the purposes of this Act, Salary from different sources.

(a) his salary shall be deemed to be only the amount of the salary that he receives in respect of such prescribed employment; and

(b) he shall be given credit for only that portion of each school year that bears the same proportion to the school year as the portion of his salary that he receives in respect of such prescribed employment bears to his total salary for such year. 1949, c. 102, s. 17.

18.—(1) Contributions shall be deducted by the board or other authority employing the person from each payment of his salary and the Treasurer shall annually deduct the total amount of such contributions from the total legislative grant payable to the board or other authority and place it to the credit of the fund, but if the amount of such grant is less than the total amount of such contributions the board or other authority shall pay the balance to the Treasurer, who shall place it to the credit of the fund. Contributions to be deducted.

(2) Every board and other authority shall report contributions to the Commission as if annual salaries were paid in 10 equal payments, the first of such payments being in respect of the period commencing the 1st day of September. 1949, c. 102, s. 18. Contributions to be reported to Commission.

Special cases.

19. In the case of a person who is a contributor to the fund and whose salary is paid by the Government of Ontario, the amount payable by such person shall be retained out of his salary and placed to the credit of the fund by the Treasurer. 1949, c. 102, s. 19.

When contributions may be made directly.

20. A person who,

- (a) ceases to be employed or is granted leave of absence from his employment without salary for any purpose and for any period permitted by the regulations;
- (b) is employed for 20 or more hours per week by two or more boards as a teacher or supervisor of music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject; or
- (c) is employed by a board that refuses or neglects to comply with section 18, or that by reason of non-compliance with any statute or regulation is not entitled to share in the legislative grant for the schools under its jurisdiction,

may contribute to the fund on such terms and conditions and at such times as the regulations may prescribe. 1949, c. 102, s. 20.

Error in tendering contribution.

21. Any contribution, except when made under clause *a* of section 20, that through error has not been received in the regular way and at the customary time may be subsequently accepted by the Commission. 1949, c. 102, s. 21.

Annual contributions by Province.

22. The Treasurer shall, annually and at the same time as contributions are placed to the credit of the fund under section 18, place to the credit of the fund sums equal to two-thirds of those contributed under section 17. 1949, c. 102, s. 22.

Interest.

23. All sums placed to the credit of the fund during any fiscal year shall be credited to the fund as of the 1st day of February in that fiscal year, and the Treasurer shall pay interest thereon for the period between the 1st day of February and the 31st day of July in each fiscal year at the rate payable upon loans issued for provincial purposes during such period as fixed by the Lieutenant-Governor in Council. 1949, c. 102, s. 23.

Retirement at 62 after 35 years service. A pension.

24. (1) Every person who,

- (a) has credit in the fund for 35 or more school years;
- (b) is 62 or more years of age; and

(c) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

(2) The amount of such allowance shall be computed by Amount. dividing the amount of his average salary for the last 15 years for which he made contributions to the fund by 50 and multiplying the quotient by a number equal to the number of school years for which he has credit in the fund, but not exceeding 35, provided that,

(a) for the purpose of computing the amount of such allowance,

(i) each school year for which his contributions are in the fund at the time of his application for an allowance shall count as a school year of credit,

(ii) each school year for which he made contributions to a municipal or school board fund before the 1st day of April, 1917, which contributions are in the fund at the time of his application for an allowance, shall count as a school year of credit,

(iii) each school year for which he was employed before the 1st day of April, 1917, other than the years referred to in subclause ii, shall count as one-half school year of credit, and

(iv) each school year for which he made contributions to the Public Service Superannuation Fund, which contributions are in the fund at the time of his application for an allowance, shall count as a school year of credit;

(b) if the amount of such allowance as computed is less than \$600, it shall be \$600; and

(c) if the amount of such allowance as computed is more than \$3,000, it shall be \$3,000. 1949, c. 102, s. 24.

25.—(1) Every person who,

(a) has credit in the fund for 40 or more school years; and

Retirement
after 40
years
service. "A"
pension.

(b) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

(2) The amount of such allowance shall be computed in Amount. the manner prescribed by subsection 2 of section 24 but no

such allowance shall be less than \$600 or more than \$3,000. 1949, c. 102, s. 25.

Retirement
after 30
years
service, "B"
pension.

26.—(1) Every person who,

(a) has credit in the fund for 30 or more school years;
and

(b) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the applicant, provided that no such allowance shall be less than \$600 or more than \$3,000. 1949, c. 102, s. 26.

Retirement
after
25 years
service, "B"
pension.

27.—(1) Every person who,

(a) has credit in the fund for 25 or more but less than 30 years;

(b) has been employed for five years or more after attaining the age of 55 years; and

(c) after attaining the age of 62 years has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed in subsection 2 of section 24 but shall be subject to such reduction as may be prescribed in the regulations having regard to the length of service of the applicant, provided that no such allowance shall be less than \$600 or more than \$3,000. 1949, c. 102, s. 27.

Retirement
on account
of total
permanent
disability,
"C" pension.

28.—(1) Every person who,

(a) has credit in the fund for 15 or more school years;

(b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of further earning his livelihood; and

(c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

(2) The amount of such allowance shall be computed in the Amount. manner prescribed by subsection 2 of section 24 but no such allowance shall be less than \$600 or more than \$3,000. 1949, c. 102, s. 28.

29.—(1) Every person who,

- (a) has credit in the fund for 15 or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of being further employed as a teacher or inspector; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the applicant, provided that no such allowance shall be less than \$600 or more than \$3,000. 1949, c. 102, s. 29.

30.—(1) Where the medical examination prescribed for admission to the Ontario College of Education or a normal school discloses in any person a mental or physical impairment, defect or condition that in the opinion of the examiner does not render such person incapable of being employed but might subsequently render him incapable of being employed, such person shall be admitted to the college or school only after he signs a consent, in the prescribed form, to have this section applied to him in the event of his becoming employed.

Person with impairment.

Allowance.

(2) Every person who has signed a consent under subsection 1 and who,

- (a) has credit in the fund for 15 or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of being further employed; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime. 1949, c. 102, s. 30 (1, 2).

Amount.

(3) The amount of such allowance shall be,

R.S.C. 1927,
c. 7.

- (a) in the case of a person who has credit in the fund for less than 25 school years, an amount equal to that which would be payable under an annuity issued under the *Government Annuities Act* (Canada) purchased at the rates in force at the date of such application with an amount equal to all the contributions made by him to the fund together with those made on his behalf by the Treasurer; and
- (b) in the case of a person who has credit in the fund for 25 or more school years,
 - (i) the amount that he would be entitled to receive under section 24, 25, 26 or 27, or
 - (ii) the amount computed in the manner prescribed by clause a,

whichever is the larger. 1949, c. 102, s. 30 (3); 1950, c. 84, s. 2.

Dependant's
allowance,
"D" pension.

31.—(1) Where a male person who has credit in the fund for 15 or more years dies while employed or within two years after ceasing to be employed on account of ill-health, or within one year after ceasing to be employed for any reason other than ill-health during which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or where a male person who is in receipt of an allowance dies,

- (a) leaving a widow, a dependant's allowance of an amount equal to,
 - (i) one-half of the allowance computed in the manner prescribed in subsection 2 of section 24, but based on the person's credit in the fund at the time of his death, or
 - (ii) one-half of the allowance that the person was receiving at the date of his death,

as the case may be, shall be paid to his widow during her lifetime or during her widowhood, and where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of 18 years, a dependant's allowance of an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) leaving no widow but leaving a child or children under the age of 18 years, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in subsection 2 of section 24 but based on the person's credit in the fund at the time of his death, or

(ii) one-half of the allowance that the person was receiving at the date of his death,

as the case may be, shall be paid to such child or children until such age is attained. 1949, c. 102, s. 31 (1); 1950, c. 84, s. 3 (1).

(2) Subsection 1 shall not apply to the widow of a person if she married him after he attained the age of 60 years or after the date of his retirement, or to the children of any such widow. Exceptions.

(3) Where the widow was at least 10 years younger than her deceased husband, the payments under subsection 1 shall be reduced in such manner and in such amount as the regulations may prescribe. Where dependant's allowance to be reduced.

(4) This section shall apply *mutatis mutandis* to the widower of a female person where, Where person is a female.

(a) the widower was permanently incapacitated and wholly supported by the deceased wife at the time of her death or at the time of her cessation of employment, whichever was the earlier;

(b) she had been married to the widower for at least 10 years at the time of her death or at the time of her cessation of employment, whichever was the earlier; and

(c) this child or children, if any, were fully supported by the person at the time of her death. 1949, c. 102, s. 31 (2-4).

(5) This section shall apply *mutatis mutandis* to the child or children of a female person, Children of deceased female teachers.

(a) who was a widow at the time of her death; or

(b) who was married at the time of her death and who supported such child or children at the time of her death, where the widower is not entitled to an allowance under subsection 4.

(6) In this section, "child" includes adopted child and step-child and "children" has a corresponding meaning. 1950, c. 84, s. 3 (2). Interpretation.

(7) The minimum payment under this section shall be at the rate of \$300 per annum. 1949, c. 102, s. 31 (6). Minimum dependant's allowance.

Annuity in
lieu of
annual
allowance.

32.—(1) A person to whom section 31 cannot apply may by a direction in writing signed by him and deposited with the Commission at least two years before he ceases to be employed, direct that the allowance to which he would be entitled shall be converted and paid as an annuity to him upon his retirement for his lifetime and after his death, at one-half the rate to any dependant named in any such direction.

Where
direction
not given.

(2) A person who has not given a direction within the time prescribed in subsection 1, may at a later date, but not after making application for an allowance, give such a direction upon passing a medical examination satisfactory to the Commission.

Revocation
of direction.

(3) A person who has given a direction under this section may, at any time before he ceases to be employed, revoke such direction.

Where
direction not
effective.

(4) Where a person who has given a direction under this section dies,

(a) before he makes application for an allowance; or

(b) before he ceases to be employed,

the direction shall have no effect. 1949, c. 102, s. 32.

Applications
for
allowances.

33. An allowance under this Act shall be made only after the receipt by the Commission of an application therefor in the prescribed form. 1949, c. 102, s. 33.

Proof of
disability.

34. No application for a disability allowance shall be considered by the Commission until the Commission has obtained,

(a) the certificate of a legally qualified medical practitioner designated by the Commission, certifying that while employed the applicant became mentally or physically incapacitated and indicating the nature and degree of the incapacitation; and

(b) the report of the medical referee of the Commission containing such recommendations as he may deem proper with regard to the granting of an allowance to the applicant. 1949, c. 102, s. 34.

Only one
allowance
to be
received.

35. A person shall not be entitled to receive at any one time more than one allowance under this Act. 1949, c. 102, s. 35.

Allowances
to be paid
monthly.

36. Every allowance shall be payable in monthly instalments and shall be apportionable to the date of death. 1949, c. 102, s. 36.

37.—(1) Every allowance shall commence as of the first day of the month next following the month during which the applicant ceased to be employed, provided that a disability allowance shall not commence as of a date earlier than one year before the date upon which the completed application therefor reaches the Commission. Commencement of allowances, superannuation; disability;

(2) Every dependant's allowance shall commence as of the day following the death of the person in respect of whom it is payable. 1949, c. 102, s. 37. dependants.

38.—(1) Where a person who is receiving a superannuation or dependant's allowance becomes employed upon either a temporary or a permanent basis, he shall forthwith give notice in writing thereof to the Commission, and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs. Re-employment.

(2) Where a person who is receiving a disability allowance becomes employed upon either a temporary or a permanent basis or becomes engaged as a teacher in any school or institution either within or outside of Ontario upon either a temporary or a permanent basis, he shall forthwith give notice in writing thereof to the Commission, and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs. 1949, c. 102, s. 38. Idem.

39.—(1) Where a person who is receiving a superannuation or dependant's allowance becomes employed, Re-employment, effect.

- (a) the allowance shall cease to be paid; and
- (b) he shall contribute to the fund during the period that he is employed.

(2) Where a person who is receiving a disability allowance becomes employed, Idem.

- (a) the allowance shall cease to be paid;
- (b) he shall contribute to the fund during the period that he is employed; and
- (c) he shall repay to the fund the amount of the allowance received by him, with accumulated interest.

(3) Where a person who is receiving a disability allowance becomes engaged as a teacher in any school or institution either within or outside of Ontario but is not employed within the meaning of clause *d* of section 1, Idem.

- (a) the allowance shall cease to be paid; and

- (b) he shall repay to the fund the amount of the allowance received by him, with accumulated interest. 1949, c. 102, s. 39.

Resumption
of super-
annuation
allowance.

40.—(1) Where a person who ceased to receive a superannuation allowance because of re-employment again ceases to be employed,

- (a) in the case of a person who has been re-employed for a period of less than two school years, payment of the allowance shall be resumed without any adjustment in the amount thereof, upon receipt by the Commission of a notice in writing of the cessation of employment;
- (b) in the case of a person who has been so employed for a period of two or more school years an application for an allowance shall be treated as an application for a new allowance; and
- (c) in no case shall he be entitled to receive a disability allowance. 1949, c. 102, s. 40.

Resumption
of depen-
dant's
allowance.

(2) Where a person who ceased to receive a dependant's allowance because of employment ceases to be employed, payment of the allowance shall be resumed upon receipt by the Commission of a notice in writing of the cessation of employment. 1950, c. 84, s. 4.

Recipient of
disability
allowance
becoming
employed.

41. Where a person receiving a disability allowance becomes employed or becomes engaged as a teacher within or outside of Ontario,

- (a) any application subsequently made for an allowance shall be treated as an application for a new allowance; and
- (b) any allowance or refund of contributions that he may subsequently become entitled to receive shall be reduced actuarially by any amount that he has failed to repay to the fund in accordance with section 39. 1949, c. 102, s. 41.

Evidence of
mental or
physical
condition.

42.—(1) The Commission may at any time require any person who,

- (a) is receiving a disability allowance under section 28 or 29; or
- (b) having been employed for less than 30 years, is receiving a disability allowance under section 30; or
- (c) being a widower, is receiving a dependant's allowance;

to furnish evidence, in such form as it may direct, of his mental or physical condition.

(2) Where the person fails to furnish evidence that his mental or physical condition continues to be of a nature that would entitle him to receive an allowance under the section pursuant to which his allowance is paid, the Commission may direct that the allowance shall cease to be paid and that no further allowance shall be paid to him or that such other allowance as the Commission finds him to be entitled to shall be paid to him. 1949, c. 102, s. 42.

Failure to
furnish
evidence.

43. Where the Commission is satisfied that a person to whom an allowance is payable under this Act is incapable of managing his own affairs, the Commission may direct that any cheque for moneys payable to him shall be made payable to a member of his family or household and in that case the endorsement of the cheque by the person so designated by the Commission shall be a sufficient discharge of the fund to the extent of such payment. 1949, c. 102, s. 43.

Where payee
incapable.

44. The interest of any person in the fund and in any allowance under this Act shall not be subject to garnishment, attachment, seizure or other process of law and shall not be assignable. 1949, c. 102, s. 44.

No attach-
ment, etc.

45.—(1) Any refund under this Act shall be made only after the receipt by the Commission of an application therefor in the prescribed form. 1949, c. 102, s. 45 (1).

Refunds,
application
for.

(2) Every refund shall be paid in a lump sum unless the person to whom it is payable, or where he has died, his personal representative, states in the application that he wishes the amount to be paid in instalments, in which case the amount shall be paid in three equal instalments without additional interest on the days fixed by the Commission for the purpose. 1950, c. 84, s. 5.

Manner of
payment.

46.—(1) A person who has been employed for five or more school years and ceases to be employed by withdrawing from the profession shall be entitled to a refund of an amount equal to the whole of his contributions to the fund, and where he ceased to be employed before the 31st day of March, 1949, with interest at the rate of one and one-half per cent per annum compounded half-yearly from the date of cessation of employment to that date, but no such refund shall be made until three months have elapsed after the date upon which the person ceased to be employed. 1949, c. 102, s. 46 (1).

Retirement
after 5 years.

Forced
retirement.

(2) A person who has been employed for 15 or more school years and who, because he has reached the age limit specified in a by-law or resolution of the board or other authority employing him, ceases to be employed before he becomes entitled to an allowance under this Act, shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of refund at the rate of four per cent per annum compounded half-yearly. 1949, c. 102, s. 46 (2); 1950, c. 84, s. 6.

When
employment
deemed
to end.

(3) For the purposes of this section the date upon which a person shall be deemed to have ceased to be employed shall be the last day for which he was paid in the last school year during which he was employed for 20 days or more. 1949, c. 102, s. 46 (3).

Second
refund.

47. A person who has withdrawn his contributions from the fund and subsequently is employed for an additional period of five years or more and ceases to be so employed after the 31st day of March, 1949, shall be entitled to a refund of an amount equal to the whole of his contributions to the fund during such additional period, but no such refund shall be made until three months have elapsed after the date upon which he ceased to be employed. 1949, c. 102, s. 47.

Repayment
of refund
on re-
employment.

48. A person who has withdrawn his contributions from the fund and subsequently is employed for not fewer than 20 days in a school year and desires to be reinstated in the fund in respect of his former period of employment, may be so reinstated by paying into the fund within five years from the date he commenced the subsequent period of employment or before the 1st day of April, 1954, whichever is the later date, the amount previously refunded to him, and any disability or superannuation allowance or other payment out of the fund to which he may be entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount withdrawn and not repaid, and if he does not comply with this section he shall have no interest in the fund in respect of his former period of employment. 1950, c. 84, s. 7.

Where em-
ployed under
5 years.

49. Where a person ceases to be employed before he has been employed for a period of five school years, the amount of his contributions shall remain in the fund and, unless he again is employed, he shall have no claim thereto. 1949, c. 102, s. 49.

Event of
death.

50. Where a person who ceased to be employed before he had been employed for a period of five school years dies within two years of such cessation of employment, his personal

representative shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per cent per annum compounded half-yearly. 1949, c. 102, s. 50.

51. Where a person who is in receipt of a superannuation allowance becomes employed, no refund in respect of his contributions made after his return to employment shall be made except upon his death. 1949, c. 102, s. 51.

52. Notwithstanding sections 49, 50 and 51, a person who has been employed for fewer than 20 days in any school year shall be entitled to a refund of an amount equal to the whole of his contributions to the fund for that school year, without interest. 1949, c. 102, s. 52.

53. Where a person who has been employed for five or more years and who is not in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per cent per annum compounded half-yearly. 1949, c. 102, s. 53; 1950, c. 84, s. 8.

54. Where a person who is in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by the person to the fund with interest to the date of death at the rate of three per cent per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to the person with interest to the date of death at the rate of three per cent per annum compounded half-yearly. 1949, c. 102, s. 54; 1950, c. 84, s. 9.

55. A person whose allowance ceased to be paid under section 42, other than a widower under section 31, shall be entitled to a refund out of the fund of an amount equal to the amounts contributed by him to the fund with interest at the rate of three per cent per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to him with interest at the rate of three per cent per annum compounded half-yearly. 1949, c. 102, s. 55.

56. Where the payments made under section 31, or the amount of the allowance and any payments made under section 31, as the case may be, with interest at three per cent per annum compounded half-yearly to the date of cessation

of the payments, are less than the amount of the contributions of the person, with interest at three per cent per annum compounded half-yearly to the same date, the amount of the difference shall be paid to his personal representative. 1949, c. 102, s. 56.

Regulations.

57. The Lieutenant-Governor in Council may make regulations,

- (a) designating schools or classes within the meaning of subclause ii of clause *d* of section 1 or within the meaning of subclause iv of clause *d* of section 1;
- (b) designating associations or bodies of teachers within the meaning of subclause vii of clause *d* of section 1;
- (c) designating capacities within the meaning of subclause viii of clause *d* of section 1;
- (d) prescribing the powers and duties of the officers of the Commission, or any of them;
- (e) prescribing the manner in which the nomination and election of the elected members of the Commission shall be conducted;
- (f) prescribing the form and manner in which and by whom the accounts and records of the Commission shall be kept;
- (g) prescribing the terms and conditions and times that persons may contribute to the fund under section 20;
- (h) prescribing the form of application for any allowance or refund and the information and material to be furnished therewith, including the form thereof, and prescribing other information and material that shall be taken into consideration by the Commission in considering applications for allowances or refunds;
- (i) prescribing the procedure to be followed by the Commission in considering and disposing of applications for allowances or refunds;
- (j) requiring persons who are contributors to the fund or persons who are receiving allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
- (k) authorizing the Commission to require persons who are contributors to the fund or persons who are receiving allowances from the fund, and boards, to

furnish information to or for the use of the Commission and prescribing the form thereof;

- (l) prescribing the system of reductions that shall be applied in computing the allowances provided for in sections 26, 27 and 29;
- (m) prescribing the manner and amount of reduction of payments provided for in subsection 3 of section 31;
- (n) prescribing the manner of calculating the rates and amounts of annuities payable under section 32;
- (o) governing persons who are absent from duty because of ill-health or for the purpose of taking any course of study designated by the regulations or approved by the Commission, or for a period of sabbatical leave under the by-laws of the employing board;
- (p) prescribing the conditions under which credit may be given under the Act for teaching or inspectorial services performed,
 - (i) in any province of Canada,
 - (ii) in any other part of the Commonwealth of Nations, or
 - (iii) in any school for Indians maintained by the Government of Canada,

where the person is subsequently employed within the meaning of this Act, and prescribing the amount of such credit;

- (q) providing for payment out of the fund into a like fund under a superannuation plan in any other province of Canada or in any other part of the Commonwealth of Nations on behalf of a teacher or inspector formerly employed in Ontario who has become a teacher or inspector in such other province or part;
- (r) prescribing special provisions governing the conditions under which persons in receipt of allowances may become employed during any period that is declared by the regulations to be a period during which there is urgent need for their services and providing for reductions in the allowances paid to them;
- (s) prescribing special provisions in respect of active service in His Majesty's forces or special war service or time spent receiving medical or surgical treatment

for a disability sustained while on active service or special war service, including,

- (i) the defining of active service and special war service,
- (ii) the contributions required or permitted to be made in respect of such periods and the time and manner of making such contributions,
- (iii) the credit to be given for periods spent in such service or while receiving such treatment,
- (iv) generally such provisions as may be necessary to extend to persons employed the benefits available under this Act in respect of such periods;
- (t) respecting persons employed in schools whose board or teachers, or both, are reported by the Minister to the Commission as having failed to comply with any Acts or regulations administered by the Department including,
 - (i) the terms and conditions upon which contributions shall be made to the fund,
 - (ii) the credit to be given to such persons in respect of the period of non-compliance;
- (u) prescribing forms for use under this Act and the regulations;
- (v) respecting any right or class thereof that is deemed to be prejudicially affected by the repeal of *The Teachers' and Inspectors' Superannuation Act, 1946* and the substitution of *The Teachers' Superannuation Act, 1949* or this Act;
- (w) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1949, c. 102, s. 57, *amended*.

Where
employment
ceases after
March 1st,
1949.

58.—(1) Where a person ceased to be employed after the 1st day of March, 1949, or hereafter ceases to be employed, his allowance shall be computed under this Act.

Where
employment
ceased before
March 1st,
1949.

(2) Where a person ceased to be employed before the 1st day of March, 1949, his allowance shall be computed under the predecessor of this Act that was in force when he ceased to be employed without regard to any maximum expressed in dollars then applicable and shall be increased at the rate of \$120 per annum, and where the amount of any such allowance after such increase has been added is less than \$600, it shall be \$600. 1949, c. 102, s. 63; 1950, c. 84, s. 11, *amended*.